(3)

CFIST

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G)

Division Bench

MISCELLANEOUS APPEAL NO. 07/2004

APPELLANT / CLAIMANT

1) Suresh Kumar Jangde S/o Sri Mangan lal Jangde, Aged about- 30 years,
2) Kumari Sunita D/o Sri Mangan lal Jangde, Aged about- 20 years,
Kumari Pramila D/o Sri Mangan lal Jangde, Aged about – 18 years,
All residence are Village & Post – Jora, Thana – Telibandha, Distt- Raipur. (C.G.)

P. R. No. 10/04 Presented by Shri S.C. Verma dated 01.01.04

VERSUS

RESPONDENTS / NON-APPLICANT :

1) Basant Gilhare S/o Sri Samaru Gilhare, Through: First Aid Centre Hospital, Mahasamund, Distt-Mahasamund C.G.
2) Umesh Kumar Narange, R/o Imalibhata Mahasamund, Thana –Mahasamudn, Distt- Mahasamund (C.G.
3) The New India Insurance company Ltd., Through: Divisional Manager, Kutchheri chowk, Jail Road, Raipur (C.G)

Miscellaneous Appeal under section 173 Motor Vehicle Act 1988

[illegible] award passed by the

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.No. 7/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Division Bench :

HON'BLE SHRI FAKHRUDDIN, Ag. C.J.
& HON'BLE SHRI SUNIL KUMAR SINHA, J.

31-01-2005.

Shri S.C. Verma, counsel for the appellants.

Shri C.R. Sahu, counsel for respondent No.1.

Shri Ali Asgar, counsel for respondent No.3/ Insurance Company.

Heard.

This appeal under Section 173 of the Motor Vehicle Act, 1988 has been preferred by the appellants/Claimants for enhancement of the quantum of award passed by the learned Claims Tribunal.

In this case, the rash and negligence on the part of the respondents is not in dispute.

Learned counsel for the parties submit that an award of Rs.3,20,000/- was passed in favour of the appellants. However, during the pendency of the present appeal a compromise has been arrived at by the parties and an additional amount of Rs.1,80,000/- has been agreed to be paid to the appellants/claimants. A document to this effect has also been filed. It is also agreed by both the parties that the amount due shall be paid within a period of two months from today and in view of the aforesaid compromise, the appellants do not want to prosecute the appeal.

We have gone through the records. The enhanced figure worked out on compromise appears to be just and proper.

In this view of the matter, it is directed that the appellants/claimants shall get total sum of Rs.5,00,000/- as compensation and, therefore, the award passed by the learned Claims Tribunal is modified to the extent

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XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.No.7/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	indicated above. In other words, the appellants would get a sum of Rs.1,80,000/- over and above what has been already awarded by the learned Claims Tribunal. It is made clear that if the amount due is not paid to the appellants as per the compromise arrived at by the parties within a period of two months from today, the appellants shall be entitled to charge interest @ 9% per annum from the said date till its realization. The direction in relation to apportionment, if any, given in the award shall also apply to the enhanced amount. Thus, the appeal stands disposed of in terms of compromise arrived at by the parties. We, however, very much appreciate the efforts made by learned counsel for the parties. Counsel's fee as per rules. Certified copy as per rules. Sd/- Acting Chief Justice	Sd/- Sunil Kumar Sinha Judge

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